

Members

Rep. Matt Pierce, Chairperson  
Rep. Philip GiaQuinta  
Rep. Kathy Richardson  
Rep. Robert Behning  
Sen. Sue Landske  
Sen. Connie Lawson  
Sen. Jean Breaux  
Sen. Lindel Hume



# CENSUS DATA ADVISORY COMMITTEE

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## MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 23, 2008  
**Meeting Time:** 10:30 A.M.  
**Meeting Place:** State House, 200 W. Washington St., Room 233  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Rep. Matt Pierce, Chair; Rep. Robert Behning.

**Members Absent:** Rep. Philip GiaQuinta; Rep. Kathy Richardson; Sen. Sue Landske; Sen. Connie Lawson; Sen. Jean Breaux; Sen. Lindel Hume.

At 10:50 a.m., the Chair, Representative Pierce, announced that while a quorum was not present, he and Representative Behning would receive the information presented by the Indiana Election Division at the Committee's request and any statements others in attendance might wish to give.

The Chair asked Leslie Barnes, Co-General Counsel, Indiana Election Division, to speak about the process that overseas and military voters use to vote.<sup>2</sup> Ms. Barnes

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1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

2. Ms. Barnes submitted two items of information. The first item is a memorandum from Dale Simmons, Co-General Counsel, Indiana Election Division, to Ms. Barnes, with a subject of "step-by-step instructions for emailing ballots". A copy of this memorandum is Exhibit #1 to these Minutes. The second item is a booklet titled "2008 Military & Overseas Voters' Guide". A copy of this booklet is Exhibit #2 to these Minutes.

described the process whereby overseas and military voters can apply for an absentee ballot and the process for voting a ballot. Ms. Barnes said that a ballot can be submitted by fax, e-mail, or regular United States mail. She noted that when a voter submits a ballot the voter must waive ballot privacy. She also explained the process for submitting a ballot by electronic mail: the county election board e-mails the ballot to the Department of Defense, which in turn e-mails the ballot to the voter. The voter returns the ballot by e-mail to the Department of Defense, which returns the ballot by e-mail to the county election board.

In response to questions from Representative Behning and Representative Pierce, Ms. Barnes said that the Department of Defense serves as the "middleman" in the process because the Department has better real time information about how to transmit the ballot to the military voter. She also explained that a military voter first receives a federal write-in ballot after applying for an absentee ballot and gets the full ballot after they are printed by the counties. When the county receives the full ballot back from the military voter, the federal write-in ballot is cancelled. Ms. Barnes said that this year's deadline to apply for an absentee ballot by a military voter is noon on November 3. In response to a question by Representative Pierce, Ms. Barnes said that all interactions between a county election board and the Department of Defense are electronic. County e-mail addresses are provided to the Department well in advance.

In response to the Chair's invitation for any other information or testimony to be received by the Committee, Ms. Barnes said that the Election Division has received inquiries about the use of cell phones, laptops, and other electronic devices in the polls by voters. Apparently various organizations are collaborating on a "Documenting Your Vote" project which encourages voters to make videos of their voting experience and those of others and then upload the videos to YouTube. The questions posed relate to the legality of such activities occurring at the polls and how poll workers should respond if they do occur. There was discussion of election laws that might affect these activities (such as restrictions about who can be in the polls, the prohibition against electioneering in the polls, the requirements for secrecy of ballots, and laws to protect voters from intimidation).

Ms. Barnes said that Indiana election law does not clearly indicate that activities relating to a "Documenting Your Vote" project would be illegal and that poll workers might be required to deal with any such activities on a case-by-case basis. Both Representative Pierce and Representative Behning urged the Election Division to draft some guidelines to prepare poll workers for dealing with "Documenting Your Vote" activities so that the response is uniform across the state. Representative Pierce directed staff to draft a letter from him and Representative Behning to the Election Division urging the development of guidelines.

The Chair announced that he would attempt to convene the Committee on Organization Day for a brief meeting to consider and adopt a final report.<sup>3</sup>

The Chair adjourned the meeting at 11:20 a.m.

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3. Prior to the meeting the Chair noted to staff that the Minutes of the August 26 meeting and the proposed Committee Annual Report erroneously stated that the result of 2007 election for mayor in Anderson was disputed because of lack of initials on absentee ballots. The Minutes should have said that the controversy involved the mayor's election in **Muncie**. The Annual Report will be corrected to state the correct information.